

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA

V.

BENNIE BROWN

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5:02-CR-23-001

MEMORANDUM ORDER

The above-entitled and numbered criminal action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections have been filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that defendant's plea of true to the allegations as set forth in the Government's petition is **ACCEPTED**. Further, it is

ORDERED that defendant's supervised release be **REVOKED**. Based upon the defendant's plea of true to the allegations and with no objection by the defendant or the Government, the Court finds defendant did violate his conditions of supervised release as alleged in the U.S. Probation Office's petition. The Court finds that the defendant possessed cocaine, PCP, and marijuana through their respected use. Further, it is

ORDERED that the defendant, Bennie Brown, be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 12 months and one day. The Court requests the Bureau of Prisons designate FCI Seagoville for service of sentence. The Court requests that the defendant

participate in drug treatment while incarcerated. Further, it is

ORDERED that upon release from imprisonment, the defendant shall be placed on supervised release for a term of 24 months with the following conditions: Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released. While on supervised release, the defendant shall not commit another federal, state, or local crime. The defendant shall not illegally possess a controlled substance, and shall refrain from any unlawful use of a controlled substance. The defendant shall be required to submit to a drug test within 15 days of release on supervised release, and at least two periodic drug tests thereafter, as directed by the probation officer. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. The defendant shall comply with the standard conditions that have been adopted by the Court, and shall comply with the following additional conditions:

The defendant shall pay any financial penalty that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release. The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring his efforts to maintain lawful employment and his ability to pay the financial penalty. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full. The Court orders the restitution payments to begin immediately. Any amount that remains unpaid when the defendant's supervision commences is to be paid on a monthly basis at a rate of at least ten percent of the defendant's gross income, to be changed during supervision, if needed, based on the defendant's changed circumstances, pursuant to 18 U.S.C. § 3664(k). Additionally, at least

50% of receipts received from income tax returns, inheritances, non-recurring bonuses, and lawsuit awards must be paid toward the unpaid restitution balance within fifteen days of receipt. Restitution is payable by cashier's check or money order made out to the United States District Court and forwarded to the Fine and Restitution Section, U.S. Courts, P.O. Box 570, Tyler, Texas 75710. The defendant shall participate in a program of testing and treatment for drug and or alcohol abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer. Further, it is

ORDERED that all criminal monetary penalties are imposed in this revocation as previously ordered in the final judgment. All payments collected will be credited towards outstanding balances.

SIGNED this 19th day of December, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE